



Homeland Security

MAR 19 2004

The Honorable John Conyers Jr.
Ranking Member
Committee on the Judiciary
U.S. House of Representatives
Washington, DC 20510

Dear Congressman Conyers:

Thank you for your letter regarding Temporary Protected Status (TPS) for Haitian nationals currently residing in the United States. A similar letter will be sent to Congresswoman Sheila Jackson Lee.

As you know, the power to grant TPS is one of many immigration functions that the Homeland Security Act of 2002 transferred from the Attorney General to the Secretary of the Department of Homeland Security (DHS). Congress has provided specific, narrow criteria for such designations. After consultation with the appropriate Government agencies, the Secretary of DHS may designate a foreign state for TPS based upon: (1) an ongoing armed conflict that poses a serious threat to the safety of returning nationals; (2) an environmental disaster that results in a substantial, but temporary, disruption of living conditions, or (3) extraordinary and temporary conditions that prevent a country's nationals from safely returning to that country, unless the Secretary finds that such designation is contrary to the national interest of the United States.

The situation in Haiti is a fluid one which is being closely monitored by the Administration. Since Aristide's resignation and departure from Haiti, the United States has been engaged in efforts to help the interim President of Haiti begin a process of rebuilding Haitian democracy. In addition, the United States has placed troops on the ground as the leading contingent of the multinational interim force authorized by United Nations Security Council Resolution 1529, adopted unanimously February 29, 2004.

The Department of Homeland Security (DHS) and other U.S. government agencies are closely monitoring the situation in Haiti. Although the Secretary has not designated Haiti for TPS, DHS will consider events as they unfold.

I appreciate your interest in the Department of Homeland Security, and we look forward to working with you on future homeland security issues. If we may be of further assistance, please contact the Office of Legislative Affairs at (202) 205-4412.

Sincerely,

A handwritten signature in cursive script, appearing to read "Pam Turner".

Pamela J. Turner
Assistant Secretary for Legislative Affairs